

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

ANTHONY WESTBROOK

PLAINTIFF

VS.

CASE NO.: 4:13-CV-0415 JMM

DEPUTY CALVIN REED;
SHERIFF BRUCE PENNINGTON;
JOHN and JANE DOES I-V; and
COUNTY OF SALINE

DEFENDANTS

ORAL DEPOSITION

OF

CALVIN T. REED

(Taken February 18, 2014, at 3:05 p.m.)

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ORIGINAL

EXHIBIT

tabbles

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1 order for him to get copies of them, you have to have
2 an attorney to go through the procedures of getting
3 copies of that paperwork.

4 Q And that's what you told him?

5 A Yes, sir.

6 Q What did you do next after you told him that?

7 A He continued to argue several times that either
8 the bald-headed man told him to get it or his words
9 were "that girl" -- the female jailor that was
10 processing his paperwork that one of them told him to
11 get those papers.

12 Q So what did you do?

13 A I continued to tell him no. You cannot have
14 these papers. These are not yours.

15 Q And he's restrained at this time?

16 A Yes, sir.

17 Q He can't argue back. He can't resist arrest?

18 A No.

19 Q And he's not constituting any danger to your
20 person. Do you agree?

21 A Yes.

22 Q What did you do next?

23 A At that time, he went to yell at me. I'm not
24 sure -- I can't remember what he said, but he did
25 make a lunging motion.

1 Q In the chair?

2 A Yes, sir.

3 Q And what did you do?

4 A I put my hands up, placed them on his chest to
5 push him back down into the chair. And at that time,
6 his -- is when the chair slid against -- slid over
7 the floor and hit the wall.

8 Q And what happened to Tony when it hit the wall?

9 A As far as I know, nothing happened to him. He
10 started screaming, but nothing physically happened to
11 him.

12 Q I'm going to show you a picture which is off the
13 TV tape.

14 A Uh-huh.

15 Q And that is apparently you talking or dealing
16 with Mr. Westbrook.

17 A Yes, sir.

18 Q What are you doing when that's happening right
19 there?

20 A I mean, right there it's kind of hard to tell.
21 I mean, I know I was still talking to him. But --

22 Q Do you put your hands on Mr. Westbrook?

23 A On his -- right here on his chest.

24 Q And as a result of that touch, does his chair
25 end up against the wall?

1 A Yes, sir.

2 Q Does Tony's head hit the wall?

3 A No, sir.

4 Q Does he lose his tooth?

5 A No, sir.

6 Q Did you walk out and tell anybody that you
7 knocked that fucker's tooth out?

8 A No, sir.

9 Q If Deon Warwick says that -- if Deon says that,
10 is he wrong?

11 MR. ELLIS: Wait a minute. Deon --

12 MR. SWINDOLL: The deputy.

13 MR. ELLIS: -- McGuire?

14 MR. SWINDOLL: Yeah.

15 Q (By Mr. Swindoll) If Deon McGuire says that you
16 walked out bragging about knocking his teeth out, is
17 that wrong?

18 A Yes, sir. It is.

19 Q What would be wrong with you hitting an inmate?

20 A Well, hitting him for one is against the rules
21 because that is excessive force. I did not hit him.
22 And Deon McGuire was not in the room. He was in the
23 back of the jail.

24 Q Okay.

25 Did you talk to anyone about what you did that

1 exercising excessive force against an inmate, what
2 should he do?

3 A Step in and separate the two.

4 Q Why?

5 A Because once that officer is crossing that line
6 then he's no longer I guess you could say protecting
7 and serving. He's now breaking rules as well as
8 laws.

9 Q Is breaking the laws and the rules which we've
10 been talking about. The general rules for protection
11 of the detainees?

12 A All rules as far as I'm concerned. All the
13 rules at the jail as well as the laws of the conduct
14 of an officer or jailor.

15 Q Do you have any idea how Anthony Westbrook
16 could have lost his teeth --

17 A No, sir. I don't.

18 Q -- during his incarceration?

19 A No, sir.

20 Q Tell me what happened to you in Saline County as
21 a result of this altercation with Anthony Westbrook.

22 A Nothing.

23 Q Did you not leave the service of the sheriff
24 within a month?

25 A That was to take a job with another agency. It

1 MR. ELLIS: I know the answer to that
2 question, by the way. I'll tell you later.

3 Q (By Mr. Swindoll) So as we sit here today, you
4 cannot figure out why Anthony Westbrook thinks you
5 hits him?

6 A No, sir. In fact, I did not know anything about
7 that until I guess it was the second time being on
8 the news. And he told every -- told them that I
9 knocked his teeth out. That was the first time I
10 heard about any teeth being knocked out at all.
11 Nobody else said anything about it.

12 The night of this I never did watch the film.
13 Some of the other jailors told me that they had seen
14 it whenever they were in the sergeant's office and
15 none of them said I ever hit him or knocked any teeth
16 out or anything.

17 Q Do you know what happened to this film?

18 A I -- no, sir. As far as I know, the system is
19 in one of the closets in the back that records
20 everything. And the sergeants are the ones that
21 download all the footage. And whatever they do with
22 it, I have no idea. I don't even know how that's set
23 up.

24 Q How long was Anthony Westbrook in the restraint
25 chair?

1 A I am not sure.

2 Q How long is acceptable at the Saline County jail
3 to keep an inmate in the restraint chair?

4 A I would probably say 45 minutes. But if they're
5 not being cooperative, then we do leave them in there
6 for additional time until they can calm down and
7 start to cooperate with the jailors.

8 Q Should they be kept in that chair and not
9 allowed to go to the bathroom?

10 A No, sir.

11 Q If they ask to go to the bathroom while they're
12 in the chair, should they remove the chair and
13 allowed to go to the bathroom?

14 A Yes, sir.

15 Q At the time his chair bounced into the wall --

16 A Uh-huh.

17 Q -- he was restrained. Do you agree?

18 A Yes, sir.

19 Q Now, the restraints are arm restraints?

20 A It has straps that go over the wrist, a strap
21 that goes across the lap, a strap for each ankle.
22 And then it has a strap that comes down under or over
23 the shoulder, comes under the arm and hooks on to
24 a -- and it hooks on to two small hooks that are
25 about midway of the chair.